

REMARKS

The Office Action mailed February 2, 2011 has been carefully considered together with the references cited therein. The remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claim Rejections Under 35 USC § 103

Claims 1-7 and 9 stand rejected under 35 USC § 103(a) as being unpatentable over Dietz et al. (US Patent 5,318,627) in view of Grandidier et al. (US PGP 2004/0261662). This rejection is respectfully traversed.

In the present, Final Office Action, the Office detailed its analysis of the previously submitted §132 Declaration by Dr. Macholdt. The Office found the Declaration unpersuasive, stating:


The applicant also points to the Rule 132 Declaration of Dr. Macholdt showing a high contrast value of instant pigment preparation versus PV 23 alone. However, it is unclear if this represents a showing of superior properties. It is unclear from the declaration how the contrast is measured. It is assumed that the contrast value of 1.3% recited in the declaration represents a contrast of the PV 23 versus the applicant's pigment preparation. Furthermore, no indication is given as to the significance of the 1.3% contrast value. The applicant does not comment on why a contrast value of 1.3% is unsatisfactory for use in color filters or what a good contrast value would be. Furthermore, if the applicant is measuring the contrast in coloration between PV 23 alone and the pigment preparation of the instant claims or Dietz, it is not clear that a contrast value of 1.3% would be unexpected. If the contrast value simply measures the difference in color it is not necessarily unexpected that PV 23 alone would have a different color than the mixture of PV 23 with another dioxazine compound. Furthermore, if the difference in color between the two is only 1.3%, it is not clear that this represents a superior result. Therefore, without explanation of the data presented by the applicant in the Rule 132 declaration, the applicant's arguments are not found to be persuasive and the pending rejections are maintained.

Attached hereto is a second declaration under 37 CFR §1.32, which Applicants are of the position answers the Office's questions regarding the first declaration. It is believed that these two declarations sufficiently demonstrate unexpected and surprising results capable of overcoming the obviousness rejection of claims 1-7 and 9 under §103(a) as being unpatentable over Dietz et al. (US Patent 5,318,627) in view of Grandidier et al. (US PGP 2004/0261662).

In view of the foregoing, it is respectfully contended that the 35 USC § 103 rejection has been overcome. In consequence, Applicants courteously solicit reconsider and withdrawal of the rejection.

In view of the forgoing remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Office disagrees, the Examiner is invited to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,



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